

the right way; there is a right way and wrong way to do things. You do it this way. We are going to see substantial waste, abuse, and fraud. When she started raising those questions, something important happened to her. She was told one of two things will happen: You will either be fired or you will be demoted.

This public servant had the courage to speak up and speak out against practices she thought were horribly unfair and were going to hurt this country, and she paid for it with her career.

What a message to send to those who have the courage to blow the whistle and speak up. Does anybody care about that? It doesn't appear so. It really doesn't appear that way. We have asked Secretary Rumsfeld. We sent many letters to Secretary Rumsfeld. It is like sending those letters into a deep abyss someplace. You get a little one-paragraph reply saying: Got your letter, get back to you later. And there will never be a later. That is the way it works. Zip it up, cover it up, sew it up, it doesn't matter and, oh, by the way, ask Congress for more money; they will certainly appropriate it. Don't worry where it is going. If it is waste, nobody cares very much and, by the way, if somebody does care and raises the issue, we will have sufficient votes on it to say we won't do anything about it. And those sufficient votes will go home and talk about the fact, boy, they are tigers watching out for the American taxpayers. Hardly. Hardly.

We will see, once again, in a few minutes whether people really do care about this and whether they are willing to own up to the oversight responsibility Congress has, to care about how the taxpayers' money is spent.

This case is made. This is not an open case, it is not an argument that has to be made. This case is made. The evidence is all around us. The question is whether enough Senators will care.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that I speak on the bill for just a minute or two.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I say to my good friend and colleague, if there is an award to be made for determination, he has it on this particular issue. It is interesting that the Senator from North Dakota invoked a good deal of history as to the Truman committee. I think colleagues should know, however, that the Senate has already addressed this amendment on two previous occasions: first on September 14, 2005, on the Commerce-State-Justice appropriations bill. The vote was 53 to 44, defeated, and then again on October 19, 2005, on the DOD appropriations bill. Again, the Senate rejected it 54 to 44. Those matters should be before Senators.

Mr. LEVIN. Mr. President, if the Senator will yield, since Senator DORGAN

does have another minute left, I believe, and I want to give him an opportunity to respond, I will use 30 seconds of that time simply to say that Senator DORGAN has, indeed, been tenacious. There has been an absence of oversight in this area which has been glaring. He has almost by himself filled in some of those gaps as he described it. He should not need to do that. We should either have the committees doing that or else we need this special Truman-type committee.

I commend him for his tenacity. I am glad he is bringing this to a vote, and maybe one of these days—hopefully today—he will prevail.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. At this point in time, a vote is imminent.

#### EXECUTIVE SESSION

#### NOMINATION OF DONALD C. WINTER, TO BE SECRETARY OF THE NAVY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 410. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and finally that the Senate then return to legislative session. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF DEFENSE

Donald C. Winter, of Virginia, to be Secretary of the Navy.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe now the confirmation has taken place?

Mr. WARNER. That is correct.

Mr. LEVIN. I wish to have a very brief colloquy with my dear friend from Virginia on this matter, which I think he would want to comment briefly on, and that is I understand that once Secretary Winter is confirmed, which he now is, the Department of Defense will adopt an approach under which Secretary England will continue to act as Deputy Secretary of Defense on an interim basis. This approach is lawful, but it is temporary only and it is not intended to establish a pattern for future appointments. Would the Senator agree with that statement?

Mr. WARNER. Yes, Mr. President. This is a subject I have discussed with the administration and most specifically with the Secretary of Defense. I assure my colleague that it will not establish a pattern because to me the ad-

vice and consent process is a very precise obligation of the Senate. This type of action is taken in this case because it is my understanding that the President will make a recess appointment within 120 days, and I assure the Senator this matter will not go beyond the 120 days.

I thank the Senator for bringing it up, and I thank him for his cooperation and the cooperation of other Senators on this matter.

Mr. LEVIN. I do welcome that assurance. It is important for this institution. Whether the President is a Democrat or a Republican makes no difference on this issue. This is a matter of this institution asserting its constitutional responsibility, and I thank my friend from Virginia.

Mr. WARNER. Mr. President, I spoke with Secretary of Defense Rumsfeld very early this morning on this issue.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

Mr. WARNER. Mr. President, under the order, the Senate is about to address the amendment by the distinguished Senator from North Dakota.

#### AMENDMENT NO. 2476

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains?

The PRESIDING OFFICER. All time for debate has expired.

Mr. DORGAN. I ask unanimous consent for 30 seconds.

Mr. WARNER. Yes.

Mr. DORGAN. The Senator from Virginia is quite right that we have twice before voted on this amendment and I believe ignored the value of the amendment. In almost all cases, there is virtue in being consistent, but being consistently wrong is hardly virtuous. My hope is the Senate will understand the value of this amendment this morning as we vote on it for the third time.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 30 seconds to respond?

Mr. WARNER. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, respond on this amendment?

Mr. SESSIONS. I ask unanimous consent to make one point on this amendment.

Mr. WARNER. With time being given to the Senator from North Dakota if he wishes to rebut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, he asked for 30 seconds, and I thought I would get 30 seconds after all time had expired.